



PATENT

Atty. Docket No. 7058 (1502-74 CIP)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Mary Jo A. Toomey GROUP ART UNIT: 3761
SERIAL NO.: 10/810,231 EXAMINER: Chapman, Ginger T.
FILED: March 25, 2004 DATE: August 25, 2006

FOR: BODY FLUID COLLECTION APPARATUS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT
AND REQUIREMENT FOR ELECTION OF SPECIES**

Sir:

In the Office Action mailed May 25, 2006, an election of Species was required to the following Species as identified in the Office Action:

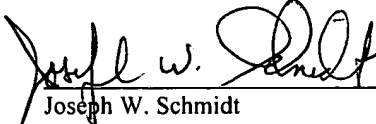
1. Species 1 as per claims 1-12;
2. Species 2 as per claims 13-19 and 24; and
3. Species 3 as per claims 20-23.

Applicants hereby elect without traverse the Species 1 for prosecution on the merits. Applicant further reserves the right to file continuation/divisional applications in the event no claim is held to be generic. Species 1 includes the embodiment(s) disclosed in Figures 1-10 and encompassed by at least claims 1-12.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the Commissioner for Patents, P.O.Box 1450, Alexandria, VA 22313-1450.

Dated: August 25, 2006

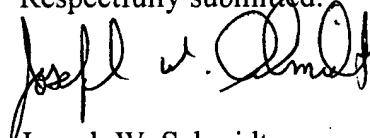

Joseph W. Schmidt

Upon the allowance of a generic claim, Applicants request consideration of all claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. §1.141.

Applicants specifically reserve the right under 35 U.S.C. §121 to prosecute the non-elected subject matter by way of separate divisional applications.

In view of the foregoing, early and favorable consideration of the claims of the application is respectfully requested.

Respectfully submitted.

A handwritten signature in black ink, appearing to read "Joseph W. Schmidt", written over the typed name.

Joseph W. Schmidt
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JWS/td